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2022/2023 PhD Thesis Abstract

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RT: Challenges of the Right to Die in Relation to Organ Donation in the South-West Nigeria

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AB: Right to die of terminally ill patients and organ scarcity for donation are global phenomena. The challenges and vulnerability of persons in these conditions have led to serious agitations and arguments between the pro-life and pro-choice movements. In Nigeria, voluntary euthanasia is prohibited by law and this has generated controversies. This prohibition prevents terminally ill patients with good vital organs requesting for voluntarily euthanasia to donate organs which can be beneficial to other lives. Previous studies have worked on organ donation or euthanasia differently. However, there are limited reports on the nexus between the right to die and organ donation. The main objective of this study therefore, was to examine the challenges of the right to die in relation to organ donation in South-West Nigeria.

This study adopted a mixed method comprising doctrinal and quantitative legal research design. The primary sources included Criminal Code 2010, Penal Code Act 2004, National Health Act 2014, the Constitution of the Federal Republic of Nigeria 1999 as amended and the data obtained from the questionnaire administered. The secondary sources comprised books, scholarly peer reviewed journals, periodicals, articles and manuals. Under the quantitative research method, structured questionnaire was administered to 62 medical doctors and 85 nurses as key informants in three selected federal teaching hospitals in South-West Nigeria. The qualitative results were thematically analysed while quantitative results were statistically examined.

Finding revealed that, the provisions of the Criminal Code and Penal Code prohibiting medical personnel from assisting terminally ill patients to die is inadequate because it only mentioned the prohibition but did not include care of the patients. In addition, the provisions did not consider patients' autonomy and the conditions they are going through. Furthermore, it was found that there are inadequate palliative care centres in South-West Nigeria and the only one available is not well financed. This study showed that 79.6% of the respondents agreed that many Nigerians are having terminal illness, 93.9% agreed that there is scarcity of organ for donation in Nigeria, 81.2% agreed that the Nigerian law prohibiting the right to die should be modified. In addition, 82.3% of the respondents agreed that it is better to accede terminally ill patients to die when all medical interventions have been exhausted rather than sustaining their lives in pain on life support machines.

The study concluded that laws prohibiting medical personnel from assisting terminally ill patients to undergo voluntary euthanasia are inadequate, especially where such patients are going through excruciating pains, irreversible medical condition and all medical interventions have proved abortive. This study recommended that the Nigerian law prohibiting the right to die should be modified, more palliative centers should be created for terminally ill patients, opt-out system of organ donation should be introduced to reduce scarcity of organ for donation and terminally ill patients with irreversible medical condition should be allowed to exercise their right of autonomy.

Keywords: Human organ scarcity, Legislative amendment, Organ donation, Right to die, South West Nigeria, Terminally ill, Voluntary euthanasia

Word Count: 475

Abbreviations: RFN: Researcher's Full Name, RD: Researcher's Department, RS: Researcher's School, RE: Researcher's Email, RAE: Researcher's Alternate Email, RP: Researcher's Phone Contact, RT: Registered Title, MS: Main Supervisor, ME: Main Supervisor's E-mail Address, SP: Main Supervisor's Phone Contact, CS: Co-Supervisor, CE: Co-Supervisor's E-mail Address, CP: Co-Supervisor's Phone Contact, AB: Abstract

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